

Libby- Michelle
Hartley



RE: Soil removed from OU-1
DC Orr
to:

Bill Bischoff, Sonya Pennock, barbdesch, bigskylawyer, Doug Roll, glena.young, jim.hammons, Peggy Williams, Rebecca Thomas, robinsdesk, vicky lawrence, Tony Berget

02/14/2011 03:22 PM

Cc:

Carol Campbell, Sean Earle

Show Details



1258940 - R8 SDMS

Mr. Bischoff;

I fully expected Commissioner Bergets' executive assistant to respond in this manner. Thank you.

You have failed to voice any concrete opinion on the matter. Are you in agreement that we need to pursue the \$2 million in restoration compensation or not. What would be your specific reasons for wanting to let \$2 million slip through our fingers if you oppose these negotiations?

The other Council members will have to answer these same questions when we go to the voters for funding.

Sincerely, DC Orr

From: billb@libby.org

To: xcav8orr@hotmail.com; pennock.sonya@epamail.epa.gov; barbdesch@gmail.com; bigskylawyer@yahoo.com; dproll@yahoo.com; glena.young@cityoflibby.com; jim.hammons@cityoflibby.com; flourgardener@yahoo.com; thomas.rebecca@epamail.epa.gov; robinsdesk@yahoo.com; montanavicky@gmail.com; tberget@libby.org

CC: campbell.carol@epamail.epa.gov; earle.sean@epamail.epa.gov

Subject: RE: Soil removed from OU-1

Date: Mon, 14 Feb 2011 12:45:27 -0700

Mr. Orr:

Please clarify in the 7th (seventh) paragraph that this is your request and not the Council's. Your use of the word "our" infers that it is the Council's request.

Lack of response by Council members is not an indication of anything and should not be taken as any type of agreement with your actions or requests. (Refer to your last paragraph)

Bill Bischoff

From: DC Orr [mailto:xcav8orr@hotmail.com]

Sent: Monday, February 14, 2011 12:32 PM

To: pennock.sonya@epamail.epa.gov; barbdesch@gmail.com; bigskylawyer@yahoo.com; Bill Bischoff; Doug Roll; glena.young@cityoflibby.com; jim.hammons@cityoflibby.com; Peggy Williams; Rebecca Thomas; robinsdesk@yahoo.com; vicky lawrence; Tony Berget

Cc: campbell.carol@epamail.epa.gov; earle.sean@epamail.epa.gov

Subject: RE: Soil removed from OU-1

Ms. Campbell;

EPA has stated that they would take another look at this issue if new information came into play. EPA has refused to look at new information when provided. EPA is being purposely deceptive on this issue in an effort to deceive and defraud the people of Libby out of their rightful restoration compensation.

The attached document shows that EPA's position that the buildings were in poor shape when Grace gave them to the City is a position without merit. The buildings were damaged, with EPA oversight, by WR Grace under Unilateral Administrative Order by EPA's own admission. Ms. Thomas obviously did not have this information when she made that statement and added it to the ROD. Please correct her misinformation and respond to EPA's admission that the buildings were harmed by EPA Unilateral Order.

EPA has also refused to acknowledge the new information in this document which shows that a Restoration Plan was required after demolition of City buildings was ordered by EPA. EPA has stated that no Restoration Plan was required after demolition of City buildings was ordered by EPA. EPA lied about this document before, and we found the document anyway. EPA is being purposely deceptive in their response concerning the Restoration Plan. This document states that a new Restoration Plan was being required after the order to demolish. Please correct your previous misinformation and supply the required Restoration Plan developed after the order to demolish City buildings.

Former City Councilman Dan Stephens submitted new information stating that the City Council never made any final decisions on OU-1. This new information directly conflicts with EPA's statement in the ROD that the City of Libby accepted a waterline in lieu of restoration compensation for the demolished buildings. EPA admits that there is no written agreement to accept this waterline. The lack of a written agreement is new information that challenges EPA's position on restoration compensation. Please correct your previous misinformation that was discredited by the new information.

Further new information will be forthcoming when EPA releases the appraisal documentation required under the UAO which I requested.

Further new information will be forthcoming when EPA requests the documents that WR Grace was required to retain as part of the UAO. I have requested EPA secure that information from Grace before the ten year retention period passes this coming summer as written in the UAO.

I have included the members of the City Council in this memorandum. Consider this our request to visit this issue publicly with EPA and have open negotiations for Restoration before moving to discussions on Remedial Action. Any sitting Councilperson who wants to oppose this move to obtain \$2 million for development of Riverfront Park has the opportunity to make their opposition clear in this public forum by responding via email with their reasons for opposing restoration compensation.

I have also included former Mayor Berget and will be asking him publicly to explain to this Council what he and the former Councilmembers can add to this discussion.

I have not included Commissioner Berget's attorney Allen Payne because Mr Payne has set conditions in his agreement with the City that exclude him from this conversation because of his conflicts.

A lack of response from Councilmembers can be taken as clear indication that every member is in agreement in moving toward Restoration of OU-1 before we discuss Remedial Action. Please have a public response to these new questions ready at our next meeting with EPA.

Sincerely, DC Orr

> Subject: RE: Soil removed from OU-1
 > To: xcav8orr@hotmail.com
 > CC: Campbell.Carol@epamail.epa.gov; Earle.Seam@epamail.epa.gov
 > From: Pennock.Sonya@epamail.epa.gov
 > Date: Mon, 14 Feb 2011 11:26:58 -0700
 >
 > EPA has responded previously that we consider the issue of the buildings
 > that were demolished during W.R. Grace's work at OU1 to be closed. If
 > the City Council considers it otherwise, the Council should let EPA
 > know.
 >
 > Regarding the drainage issue, we have previously responded that we will

> address drainage issues during the remedial action at OU1.

>

> Sonya Pennock

> Office of Communications & Public Involvement

> US/EPA Region 8

> 1595 Wynkoop Street

> Denver, CO 80202-1129

> Phone: 303-312-6600

>

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> From: DC Orr <xcav8orr@hotmail.com>

> To: Sonya Pennock/R8/USEPA/US@EPA, Sean Earle/R4/USEPA/US@EPA,

> Carol Campbell/R8/USEPA/US@EPA

> Date: 02/11/2011 06:47 AM

> Subject: RE: Soil removed from OU-1

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>

> Ms. Pennock;

> It has been months since I disproved the EPA statements concerning

> restoration plans on OU-1. Will EPA acknowledge receipt of this email

> and explain the contradiction between their statements that a

> Restoration Plan was not required after the order of demolition and the

> requirement for a Restoration Plan found in this document?

> Sincerely, DC Orr

> From: xcav8orr@hotmail.com

> To: pennock.sonya@epamail.epa.gov

> Subject: FW: Soil removed from OU-1

> Date: Mon, 11 Oct 2010 06:50:11 -0600

>

> Ms Pennock;

> I don't see that you have ever responded to this information.

> DC

>

> From: xcav8orr@hotmail.com

> To: pennock.sonya@epamail.epa.gov

> Subject: Soil removed from OU-1

> Date: Thu, 2 Sep 2010 14:02:22 -0600

>

> Ms. Pennock;

> The City Council has had discussions with EPA and Corps reps concerning

> the drainage problems that cropped up on OU-1 after Removal Action.

> I have attached a page from the Action Memorandum Amendment dated

> July 20, 2001 which indicates that 14,149 cubic yards of material were

> removed and only 12,500 brought in as backfill. This is probably why the

> property no longer drains properly.

> This page also refers to the damage done to those buildings during

> abatement with EPA oversight. This discounts the statement in the ROD,

> and Rebecca Thomas' 9-3-09 correspondence, that the buildings were in

> bad shape. They were damaged by abatement beyond repair. With EPA

> oversight.

> Also, note the end of the last line in the first paragraph which

> reads, "EPA will direct Grace to demolish the buildings, while

> alternative restoration plans are being developed". EPA has stated that

> the requirement for restoration plans was dropped when the buildings
> were demolished. The statement is not supported by the public record
> which requires a restoration plan be developed AFTER demolition. Please
> supply this restoration plan to the Libby City Council. Make sure that
> you let me know when you send it so I can request it from our Mayor. He
> has a bad habit of "forgetting" to let Council know about his
> correspondence with EPA.
> Sincerely, DC Orr
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